

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
September 22, 2020**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, September 22, 2020 virtually via Zoom Link. Mayor Royce Pindell called the meeting to order at 7:01 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darvin Harrell
Whitney Oakley
Rich Pulliam
Denice Smith
Donna Sus

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Alison Belcher, *Public Relations Coordinator*
Sara Aragon, *Community Development Coordinator*
Dan Giroux, *Town Engineer*
Daymon Johnson, *Capital Improvements Project Director*
Robin Price, *Public Works Director*
Steve Hebert, *Planning and Economic Development Manager*
Lynette White, *Economic Development Coordinator*
Melinda Culley, *Kelly P.C., Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Harvey Deutsch, Jody Alderman, Allen Rutherford, Nichole Harrell, Michael Blumenthal, George Rowley, Larry Vittum, James Grider Lee, Bridgette Cumley

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. APPROVAL OF AGENDA

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve the agenda presented.
The voting was as follows:

YES: Oakley, Pindell, Pulliam, Smith, Sus, Harrell

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

4. CONSENT AGENDA

MAYOR PRO TEM HARRELL MOVED, TRUSTEE SMITH SECONDED to approve the consent agenda as presented.

YES: Pindell, Pulliam, Smith, Sus, Harrell, Oakley

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

A. Approval of Minutes

Action: Approval of September 8, 2020 Regular Meeting Minutes.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

5. REGULAR BUSINESS

A. Action/Discussion Items

1. Board of Trustees Appointment Applications and Interviews

Trish Stiles, Town Administrator reported to the Trustees the Town of Bennett has received applications from four interested residents to fill the vacant seat for the Trustee position. Trustee Phyllis Webb vacated the position on July 28, 2020. Per State Statute, the Town has 60 days to fill the vacant seat by appointment or to call an election. The Board of Trustees provided direction to Staff to move forward with the appointment process. The deadline for the appointment is September 26, 2020. The applicants for the Trustee appointment include:

- Bridgette Cumley
- James Grider Lee
- Allen Rutherford
- Larry Vittum

The Appointment Committee composed a list of questions for the Board of Trustees to ask each candidate. Each Trustee will have an opportunity to ask the candidates the interview questions. A scorecard has also been provided to aid each Trustee for review of each candidate based upon the questions asked.

Ms. Stiles reported she and Melinda Culley, Town Attorney, discussed the best way to handle the virtual straw vote would be to send a chat to Ms. Stiles for review of ballots (virtually). This process will allow the vote to become part of the record and documented properly. The Trustees cannot vote by secret ballot.

Mayor Pindell confirmed with each candidate of his or her willingness to move forward with the virtual public interview process.

YES: Bridgette Cumley, James Grider Lee, Allen Rutherford, Larry Vittum

NO: None

The Board of Trustees asked questions of the applicants prior to voting for the Trustee vacancy.

Mayor Pindell called a recess at 8:30 p.m. in order for the Board of Trustees to review their notes from the applicant's interviews.

The Board meeting resumed at 8:48 p.m.

Trustee Pulliam read the results of the straw poll:

Four votes for Larry Vittum

Two votes for Allen Rutherford

TRUSTEE PULLIAM MOVED, TRUSTEE OAKLEY SECONDED, to appoint Larry Vittum to fill the vacant seat on the Board of Trustees. Voting was as follows:

YES: Pulliam, Smith, Sus, Harrell, Oakley, Pindell

NO: None

Mayor Royce Pindell declared the motion passed by unanimous vote.

2. Bennett Lodging, LTD – Comfort Inn Public Improvements Reimbursement and Tax Rebate Agreement

Rachel Summers, Deputy Town Administrator, reported to the Trustees that Bennett Lodging, LTD has requested that the Agreement be amended to extend the time for obtaining a certificate of occupancy for an additional 6 months or to June 30, 2021. The request comes before the board due to delays in construction based on the COVID-19 pandemic.

TRUSTEE OAKLEY MOVED, TRUSTEE PULLIAM SECONDED, to approve Ordinance No. 716-20 – An Ordinance Approving a First Amendment to the Public Improvements Reimbursement and Tax Rebate Agreement with Bennett Lodging, LTD. Voting was as follows:

YES: Smith, Sus, Harrell, Oakley, Pindell, Pulliam

NO: None

Mayor Royce Pindell declared the motion passed by unanimous vote.

3. New Water Storage Tank

Daymon Johnson, Director of Capital Projects, reported to the Board of Trustees the At Grade Tank Replacement, near Well 6, requires a new design. The current tank is a concrete post tension structure and is more than 45 years old. The current tank is quickly approaching the end of its useful life cycle. The Town is only able to utilize about half of its designed capacity of 500,000 gallons.

Visible cracking of longitudinal and lateral cracking on the tank walls and tank lid is preventing the tank from begin used to its full capacity.

Current infrastructure and growth projections of the Town of Bennett were some of the parameters used to evaluate the best location of the new storage tank. Based on the evaluation it was deemed the parcel next to King Jelly Fish was best location. This location will create an impressive and connected water campus for the Town of Bennett.

A formal bid for design was not pursued because work on the tank was already in motion with Bob Frachetti and Aqua Engineering (AQUA). The work they performed on KJF was in preparation for this very project.

Therefore, we would like to move forward with Aqua Engineering for the design of the water tank and leverage Bob Frachetti's expertise and intimate knowledge of our system to maximize the value of this proposal.

We received a proposal from AQUA in the amount of \$165,000.00 for the tank design. Their scope is inclusive of the following items:

- Hydraulic Modeling and Updating of Existing Models
- Basis of Design Report and CDPHE submittal
- CMAR, RFP and Selection Assistance
- CMAR Contract Documentation
- Final Design Drawings and Specifications
- CDPHE Final Design Submittal and Coordination of Approval
- Construction Administration, including:
 - Office Engineering
 - Field Engineering
 - Start up and Commissioning

Staff recommends the Board of Trustees approve a contract with Aqua Engineering in an amount no to exceed \$165,000.00.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to authorize to Mayor and the Town of Bennett to sign a standard Town Construction Agreement with Aqua Engineering for a total contract in the amount of and not to exceed \$165,000.00 for the at grade tank replacement at the Well 6 location. Voting was as follows:

YES: Sus, Harrell, Oakley, Pindell, Pulliam, Smith
NO: None

Mayor Royce Pindell declared the motion passed by unanimous vote.

4. First Amendment to Intergovernmental Agreement Bennett Ranch Metropolitan District Nos. 1 – 4.

Melinda Culley, Town Attorney, reported to the Board of Trustees, the First Amendment to Intergovernmental Agreement (IGA) of the Bennett Ranch Metropolitan District Nos. 1 – 4 is a follow up from the September 8, 2020 board meeting. The proposed amendment amends the IGA between the Town of Bennett and Bennett Ranch Metro. Districts to allow them to exercise the condemnation authority. The agreement has been drafted making the authority of the condemnation very narrow. The authority is limited to condemnation of the lenders interest and a utility easement as depicted on Exhibit A to the IGA.

The condemnation may only be exercised with the landowners (Damron's) consent. It will be of no cost to the Town of Bennett. The amendment is made clear this is a one-time condemnation authorization and any future condemnation requests will need to be approved by the Board of Trustees.

The Bennett Ranch Metro. District attorney has confirmed the Damron's will provide written consent from the Damron's for the condemnation.

George Rowley, Bennett Ranch Metro District attorney, confirmed the lender still has not communicated with the Damron's or the Metro Districts regarding condemnation. The Damron's have not communicated with the Metro District regarding condemnation at this time. Mr. Rowley confirmed the Metro District would not move forward with the condemnation until written consent is received from the Damron's (landowner); however, the Damron's are in favor of the condemnation.

Melinda Culley confirmed that the Board of Trustees would be provided with the written consent, from the Damron's, once it is received.

The Board of Trustee provided direction to Staff to move the agenda item for the First Amendment to Intergovernmental Agreement Bennett Ranch Metropolitan District Nos. 1-4 to the Special Meeting agenda on September 28, 2020.

No action was taken on the First Amendment to Intergovernmental Agreement Bennett Ranch Metropolitan District Nos. 1-4.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE OAKLEY SECONDED to extend the meeting past 10:00 p.m. Voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

Mayor Royce Pindell declared the motion passed by unanimous vote.

6. TOWN STAFF REPORTS

Town Administrator

Trish Stiles, Town Administrator provided the following report;

- Top seven priorities; working through outline and road map for Comprehensive Plan Update.
- Working on the renewable water contract.
- Transportation improvements
 - 2 responses received from RFP (Request for Proposal) Exit 304
 - Notice to Proceed (NTP) on Muegge Way; communicating with CDOT
- Progress on Public Work Facility; working on new pricing
- Working on the Pond repurposing for BRPOS (Bennett Regional Park and Open Space)
- COVID-19 Dial is up and running on the Tri-County Health website; Bennett cases are at 43
- Flu vaccine clinic will be available on September 24, 2020 at Town Hall. The vaccine will be available to Town Staff, Board of Trustees, and Commissioners.
- Meeting with School District on Thursday September 24 regarding Intergovernmental Agreement. Melinda Culley, Town Attorney will be reviewing the revisions.
- Antelope Hills water quality; The Town has complied to all CDPHE (Colorado Department of Public Health and Environment) parameters.
- Executive Session will be scheduled during the October 13, 2020 board meeting regarding personnel issues – Town Administrator objectives update.
- Josiah Ross, a lifeguard at the Bennett Recreation District swimming pool, provided life saving measures to the of a member of the swim team. She is home and recovering.

Town Attorney

Melinda Culley provided the following report;

- Billable hours will be paid for legal services from the CARES Act Funding. Funds are still available in the budget. Legal invoices to date are approximately \$46,000.00. The Town budgeted for \$80,000.00 for 2020.

7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Royce Pindell

Mayor Royce Pindell reported on the following:

- Thanked Staff for their hard work.

Whitney Oakley

Trustee Oakley reported on the following;

- Big Shout Out to Staff for a successful Bennett Days. The feedback received was extremely positive.

Darvin Harrell

Mayor Pro Tem Harrell reported on the following;

- Requested a Tri-County Health representative be invited to an upcoming Board meeting.

8. ADJOURNMENT

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The meeting was adjourned at 10:11 p.m. Voting was as follows:

YES: Oakley, Pindell, Pulliam, Smith, Sus, Harrell
NO: None

The Mayor declared the motion carried by unanimous vote.



Royce D. Pindell, Mayor



Christina Hart
Town Clerk